

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X

MARY HURD BROWN,

Plaintiff,

-against-

NEW YORK CITY DEPARTMENT OF
EDUCATION,

Defendant.

-----X

DECLARATION IN
SUPPORT OF DEFENDANT'S
MOTION TO DISMISS
THE COMPLAINT

20 Civ. 2424 (VEC) (OTW)

RYAN NASIM, declares, pursuant to 28 U.S.C. § 1746 and under the penalty of perjury,
that the following is true and correct:

1. I am an Assistant Corporation Counsel in the office of James E. Johnson, Corporation Counsel of the City of New York, attorney for Defendant in the above-captioned action.
2. I submit this declaration in support of Defendant's Motion to Dismiss the Complaint pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure.
3. This declaration is submitted based on a review of public documents filed with the United States District Court for the Southern District of New York of which this Court may take judicial notice.
4. Annexed to this Declaration are documents in support of Defendant's Motion to Dismiss the Complaint, as follows:

Exhibit "A" New York State Division of Human Rights Determination and
Order After Investigation.

Exhibit "B" Equal Employment Opportunity Commission Dismissal and Notice
of Rights.

5. On March 17, 2020, Plaintiff commenced the instant action by the filing of the Summons and Complaint in the Southern District of New York against Defendant.
6. The above documents are referenced throughout Defendant's Memorandum of Law in Support of its Motion to Dismiss, dated December 30, 2020, in support of its arguments that Plaintiff's claims should be dismissed because the Complaint fails to plead facts that would plausibly support such claims, some claims are time-barred, barred by the election of remedies doctrine, and that plaintiff failed to satisfy the condition precedent to bringing her state law claims.

WHEREFORE, Defendant respectfully request that its Motion to Dismiss the Complaint be granted in its entirety, that the Complaint be dismissed in its entirety, that judgment be entered in favor of Defendant, and that Defendant be granted costs, fees, and disbursements together with such other and further relief as the Court may deem just and proper.

Dated: December 30, 2020
Queens, NY

/s/ *Ryan Nasim*
RYAN NASIM, ESQ.